

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

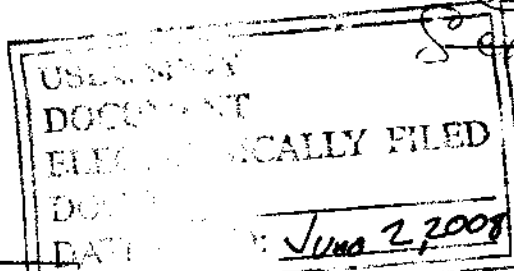
EUGENE LUMLEY, Individually and on Behalf  
of All Other Persons Similarly Situated,

Plaintiffs,

-against-

UNITED STATES TRUST COMPANY, N.A.,  
BANK OF AMERICA, N.A., JOHN DOES #1-  
10, Jointly and Severally,

Defendants.



No. 08 CV 3993 (SAS) (AJP)

(TAG)

STIPULATION DISMISSING  
DEFENDANT UNITED STATES  
TRUST COMPANY, N.A.

WHEREAS BANK OF AMERICA, N.A. ("BANA") is the successor in interest to UNITED STATES TRUST COMPANY, N.A. ("U.S. TRUST") because effective February 22, 2008, U.S. TRUST merged with and into BANA and thereafter ceased to exist as a legal entity;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, attorneys of record for the parties herein, that Plaintiff EUGENE LUMLEY's claims under the Fair Labor Standards Act and the New York Labor Law against Defendant UNITED STATES TRUST COMPANY, N.A. in the above-entitled action brought on behalf of EUGENE LUMLEY, Individually and on Behalf of All Other Persons Similarly Situated ("Plaintiff"), may be and hereby are dismissed without prejudice.

Dated: New York, New York  
May 20, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP  
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Dated: New York, New York  
May 20, 2008

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SO ORDERED:

  
UNITED STATES DISTRICT JUDGE  
5/30/08